

Status: Point in time view as at 17/01/2018.

Changes to legislation: Terrorism Act 2000, Cross Heading: Enforcement of orders made elsewhere in the British Islands is up to date with all changes known to be in force on or before 18 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 4

FORFEITURE ORDERS

PART II

SCOTLAND

Enforcement of orders made elsewhere in the British Islands

- 26 In the following provisions of this Part of this Schedule—
- “an England and Wales order” means—
- (a) an order made in England and Wales under section 23 [^{F1}or 23A] (“an England and Wales forfeiture order”),
 - (b) an order made under paragraph 5 (“an England and Wales restraint order”), or
 - (c) an order made under any other provision of Part I of this Schedule in relation to an England and Wales forfeiture or restraint order;
- “a Northern Ireland order” means—
- (a) an order made in Northern Ireland under section 23 [^{F1}or 23A] (“a Northern Ireland forfeiture order”),
 - (b) an order made under paragraph 33 (“a Northern Ireland restraint order”), or
 - (c) an order made under any other provision of Part III of this Schedule in relation to a Northern Ireland forfeiture or restraint order;
- “an Islands order” means an order made in any of the Islands under a provision of the law of that Island corresponding to—
- (a) section 23 [^{F1}or 23A] (“an Islands forfeiture order”),
 - (b) paragraph 18 (“an Islands restraint order”), or
 - (c) any other provision of this Part of this Schedule.

Textual Amendments

- F1** Words in Sch. 4 para. 26 inserted (18.6.2009) by Counter-Terrorism Act 2008 (c. 28), ss. 39, 100(5), Sch. 3 para. 5(18) (with s. 101(2)); S.I. 2009/1256, art. 2(c)

- 27 (1) Subject to the provisions of this paragraph, an England and Wales order, Northern Ireland order or Islands order shall have effect in the law of Scotland.
- (2) But such an order shall be enforced in Scotland only in accordance with—
- (a) the provisions of this paragraph, and

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- (b) any provision made by rules of court as to the manner in which, and the conditions subject to which, such orders are to be enforced there.
- (3) On an application made to it in accordance with rules of court for registration of an England and Wales order, Northern Ireland order or Islands order, the Court of Session shall direct that the order shall, in accordance with such rules, be registered in that court.
- (4) Rules of court shall also make provision—
- (a) for cancelling or varying the registration of an England and Wales, Northern Ireland or Islands forfeiture order when effect has been given to it, whether in Scotland or elsewhere, in respect of all or, as the case may be, part of the money or other property to which the order applies,
 - (b) for cancelling or varying the registration of an England and Wales, Northern Ireland or Islands restraint order which has been discharged or varied by the court by which it was made.
- (5) If an England and Wales, Northern Ireland or Islands forfeiture order is registered under this paragraph the Court of Session shall have, in relation to that order, the same powers as a court has under paragraph 16(1) above in relation to a forfeiture order made by it and paragraphs 16(3) to (5) and 17 apply accordingly.
- (6) If an England and Wales, Northern Ireland or Islands forfeiture order is registered under this paragraph—
- (a) paragraphs 20 and 21 above shall apply as they apply to a restraint order, and
 - (b) the Court of Session shall have the like power to make an order under section 1 of the ^{M1}Administration of Justice (Scotland) Act 1972 (extended power to order inspection of documents, &c.) in relation to proceedings brought or likely to be brought for an England and Wales, Northern Ireland or Islands restraint order as if those proceedings had been brought or were likely to be brought in the Court of Session.
- (7) In addition, if an England and Wales order, Northern Ireland order or Islands order is registered under this paragraph—
- (a) the Court of Session shall have, in relation to its enforcement, the same power,
 - (b) proceedings for or with respect to its enforcement may be taken, and
 - (c) proceedings for or with respect to any contravention of such an order (whether before or after such registration) may be taken,
- as if the order had originally been made in the Court of Session.
- (8) The Court of Session may also make such orders or do otherwise as seems to it appropriate for the purpose of—
- (a) assisting the achievement in Scotland of the purposes of an England and Wales order, Northern Ireland order or Islands order, or
 - (b) assisting any receiver or other person directed by any such order to sell or otherwise dispose of property.
- (9) The following documents shall, in Scotland, be sufficient evidence of their contents—
- (a) a document purporting to be a copy of an England and Wales order, Northern Ireland order or Islands order and to be certified as such by a proper officer of the court by which it was made, and

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- (b) a document purporting to be a certificate for purposes corresponding to those of paragraph 16(4) and to be certified by a proper officer of the court concerned.
- (10) Nothing in any England and Wales order, Northern Ireland order or Islands order prejudices any enactment or rule of law in respect of the recording of deeds relating to heritable property in Scotland or the registration of interests in such property.

Commencement Information

- II** Sch. 4 wholly in force at 19.2.2001; Sch. 4 not in force at Royal Assent see s. 128; Sch. 4 para. 27(2)(b)(3)(4) in force at 31.10.2000 by [S.I. 2000/2944](#), [art. 2\(h\)\(ii\)](#); Sch. 4 in force at 19.2.2001 in so far as not already in force by [S.I. 2001/421](#), [art. 2](#)

Marginal Citations

- M1** [1972 c.59](#).

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